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July 30, 2014

BY ECF and
BY U.S. MAIL

The Honorable Louis L. Stanton
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ronard Lora, et al., v. J.V. Car Wash, Ltd., et al., No. 11-CV-9010 (LLS)

Dear Judge Stanton:

As you know, we represent the Plaintiffs in the above-referenced action (the “FLSA Action”). This letter is to provide the Court with an update on the status of this FLSA Action, and of the bankruptcy cases of the Defendants Jose Vazquez (“Mr. Vazquez”), J.V. Car Wash, Ltd., Harlem Hand Car Wash Corp., Webster Hand Car Wash Corp. and Bayway Hand Car Wash Corp. (the “Car Wash Defendants”). Louis J. Maione, Esq., counsel of record for the Defendants, joins in this letter requesting a further extension of the dates set forth in the Court’s Memo Endorsed Order dated May 21, 2014 (the “May 21 Order”). As described below, Bankruptcy Counsel for Mr. Vazquez and the Car Wash Defendants, and Special Litigation Counsel for the Car Wash Defendants, also join this request.

Status.

As I advised the Court in my June 4, 2014 letter, Chapter 11 Trustees were appointed for Mr. Vazquez and for the Car Wash Defendants by the Office of the United States Trustee, and were confirmed by the Honorable Michael B. Kaplan, United States Bankruptcy Judge for the District of New Jersey. Donald V. Biase, Esq., the Chapter 11 Trustee for the four Car Wash Defendants, has retained Daniel M. Stoltz, Esq., of Wasserman, Jurista & Stoltz, P.C. as Bankruptcy Counsel. Donald F. Conway, CPA, the Chapter 11 Trustee for Mr. Vazquez, has retained Stacy L. Meisel, Esq., of Becker Meisel LLC, as Bankruptcy Counsel.

The Chapter 11 Trustees have retained, and Judge Kaplan has appointed, Wendy J. Mellk, Esq., of Jackson Lewis P.C., as Special Litigation Counsel to advise them on this FLSA Action. In an effort to resolve the Plaintiffs’ claims, the parties have agreed to commence settlement discussions. To that end, I have provided Ms. Mellk with detailed damages analyses for each of the eighteen Plaintiffs, together with other information on this FLSA Action (including the report of the independent medical examination of Mr. Vazquez). I understand that Ms. Mellk is in the process of reviewing the Defendants’ voluminous files in this matter, as well as the damages analyses and other information that I have given her, and that she is in communication with her clients regarding the next steps to allow the parties to move forward with meaningful settlement discussions.

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For these reasons, the parties would like to focus their efforts on a diligent attempt to resolve this FLSA action. In light of the voluminous amount of materials that Ms. Mellk is examining, and in light of previously planned vacation schedules and other commitments of counsel (I will be away the week of August 4, 2014; I understand that Ms. Mellk and the Trustees' bankruptcy counsel also will be away for the first two weeks in August), we are requesting an extension of the pre-trial dates set forth in the May 21 Order.

Request for Extension.

Under the existing May 21 Order, the deadline for the submission of all pre-trial materials is August 13, 2014; the final pre-trial conference is scheduled for August 15, 2014. Accordingly, to allow the parties to concentrate on settlement discussions, the parties jointly and respectfully request that these dates be re-scheduled as follows, subject to the Court's approval:

On or before Friday, September 26, 2014, Plaintiffs shall submit to Defendants a draft pre-trial order;

On or before Friday, October 17, 2014, Defendants shall respond to Plaintiffs' pre-trial order in accordance with Rule 3(A)(2) of the Court's individual practices; and

On or before Wednesday, October 29, 2014, at noon, the parties shall submit to chambers a joint pre-trial order, proposed voir dire questions, proposed jury charges, trial briefs and proposed verdict forms.

Final pre-trial conference to be held on Friday, October 31, 2014.

We understand that the Court will likely set the trial date during the final pre-trial conference.

We thank the Court for its consideration of this request.

Respectfully submitted,



Laura E. Longobardi

LEL:

cc: Louis J. Maione, Esq. (by ECF and by electronic mail)
Wendy J. Mellk, Esq. (by electronic mail)
Daniel M. Stolz, Esq. (by electronic mail)
Stacy L. Meisel, Esq. (by electronic mail)